

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

April 13, 2004 LB 391

where it says is, is that any person can declare bankruptcy. There isn't a lower age limit threshold. Just as long as you qualify as a person in the United States of America, you can file a bankruptcy in the United States of America, and certainly a minor is a person and would be able to file under U.S. Code, Chapter 7 Bankruptcy in that case. But just to kind of sum it up, I guess I'm interested in hearing what some of more conversation is on this particular amendment, but I guess I would also rise to say I don't necessarily agree with Senator Beutler's amendment saying...

SPEAKER BROMM PRESIDING

SPEAKER BROMM: One minute.

SENATOR QUANDAH: ...bringing it down to the age of 18, because I do think that that's unduly restrictive. It's also not reflective of the current common law in the state of Nebraska. Thank you.

SPEAKER BROMM: Thank you, Senator Quandahl. Senator Chambers.

SENATOR CHAMBERS: Mr. Speaker and members of the Legislature, I have missed some of the discussion, so I have to ask some questions. I will ask them of Senator Quandahl, because he's the last one who spoke and he was talking about the common law.

SPEAKER BROMM: Senator Quandahl, would you yield, please?

SENATOR CHAMBERS: Senator Quandahl, is Nebraska a common law state or a statutory state?

SENATOR QUANDAH: Well, if there is a statute directly on point, a court would defer to that. Absent that, they would go to common law.

SENATOR CHAMBERS: Now, when you were discussing the common law, were you saying that if a 14-year-old child enters a contract, say to lease an apartment, and fails to pay rent, and let's say does damage in the...to the property, the landlord can sue that 14-year-old child in his or her own right and procure a